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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,789	08/29/2001	Setsuo Arita	A8319.0006/P006	4620
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DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER CHOWDHURY, SUMAIYA A	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 02/15/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/940,789	ARITA ET AL.	
	Examiner	Art Unit	
	Sumaiya A. Chowdhury	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-22,24-26,31-33,42 and 47-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22,24-26,31-33,42 and 47-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 20-22, 24-26, 31-33, 42, and 47-58 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 20-22, 24-26, 31-33, 42, and 47-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander (6177931) in view of Kamada, Matheny, and Ellis (7185355).

As for claim 20, Alexander teaches an information service system comprising:

a service processing center for receiving marketing information via a network (col. 33, lines 9-15, col. 29, lines 14-20);

a first information supply terminal connected to the network and configured to identify at least one individual person (col. 28, lines 22-29) and to automatically output marketing information for the individual person to the service processing center (col. 33, lines 9-15), the information supply terminal comprising:

an information managing portion (RAM) comprising:

an individual audience result information portion (viewer profile information) configured to generate individual audience result information based on a media program/programs watched by the individual person (col. 28, lines 30-52, col. 29, lines 14-67); and

a media program category storage portion (RAM) having media programs classified into categories in advance for generating the individual interest information (col. 33, lines 49-60); and

an individual interest information portion (viewer profile analysis program) configured to automatically generate individual interest information comprising at least one program category (theme; e.g. comedy, sports, drama, movie, sitcom, science fiction, adventure, mystery, etc.) based on the individual audience result information of the classified categories stored in the media program category storage portion (col. 29, lines 44-50);

a computer-readable storage medium (RAM) configured to store a file, wherein the file stores the individual audience result information (col. 29, lines 14-67),

wherein the marketing information comprises the individual interest information (col. 29, lines 14-21).

Wherein the individual interest information of an individual person is generated based on individual audience result information of the individual person with reference

to a media program category storage portion classified into categories in advance (col. 28, lines 30-52, col. 29, lines 14-67).

However, Alexander fails to teach:

audience information is stored when a program is kept on for at least a predetermined time;

wherein at least one point is awarded to the individual person when the individual audience result information is stored in the file;

a signal conversion portion for converting the individual interest information into a video signal representing the individual interest information which can be displayed on a monitor of a media program receiver by which the individual person can watch a desired media program voluntarily when the individual person selects a channel, thereby to display the individual interest information on the monitor;

In an analogous art, Kamada teaches that a record is created for a program that is viewed for more than a predetermined time in order to prevent an extremely short-time view from being registered as a record, which occurs in "channel shopping" - col. 6, lines 59-66.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include the above mentioned limitation, as taught by Kamada, for the advantage of solely recording information about the programming the user actually did watch rather than additionally storing channels the user just flipped through, thereby conserving memory.

Although Alexander teaches providing an award to the user (col. 29, lines 1-7), Alexander and Kamada fail to teach:

wherein at least one point is awarded to the individual person when the individual audience result information is stored in the file;

a signal conversion portion for converting the individual interest information into a video signal representing the individual interest information which can be displayed on a monitor of a media program receiver by which the individual person can watch a desired media program voluntarily when the individual person selects a channel, thereby to display the individual interest information on the monitor;

In an analogous art, Matheny teaches:

wherein at least one point is awarded to the individual person when the individual audience result information is stored in the file (col. 3, lines 6-14, lines 50-67, col. 4, lines 7-14);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander and Kamada's invention to include the above mentioned limitation, as taught by Matheny, for the advantage of encouraging viewers to pay attention to programming.

However, Alexander, Kamada, and Matheny fail to teach:

a signal conversion portion for converting the individual interest information into a video signal representing the individual interest information which can be displayed on a monitor of a media program receiver by which the individual person can watch a desired

media program voluntarily when the individual person selects a channel, thereby to display the individual interest information on the monitor;

In an analogous art, Ellis teaches the user can view their profile on their television screen (Fig. 7, 12, 13, 31, col. 8, lines 47-67, col. 9, lines 5-15, col. 10, lines 18-55).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander, Kamada, and Matheny 's invention to include the above mentioned limitation, as taught by Ellis, for the advantage of allowing the user to modify their profile.

Claim 21 contain the limitations of claim 20 and is analyzed as previously discussed with respect to that claim. Claim 21 additionally discloses the following which Alexander teaches:

an information service system comprising:

a service processing center (advertisers, head end operators, guide producers) configured to receive the marketing information from the at least one information supply terminal via a network (col. 33, lines 9-15, col. 29, lines 14-20), the service processing center comprising:

a computer-readable storage medium (storage means at head end operator) configured to store a file, wherein the file stores individual audience result information (col. 33, lines 9-15, col. 29, lines 14-20)

an information managing portion comprising:

an individual audience result information portion (component at head end operator) configured to receive the individual audience result information generated based on a media program/programs watched by the individual person (col. 28, lines 30-52, col. 29, lines 14-67); and  
an individual interest information portion (component at head end operator) configured to receive automatically generated individual interest information comprising at least one program category based on the individual audience result information (col. 29, lines 44-50).

Claim 22 contains the limitations of claims 20 and 21 and is analyzed as previously discussed with respect to those claims. Claim 22 additionally calls for the following:

A file managing means (component at head end operator) for managing a file of at least said individual interest information (col. 29, lines 44-50).

As for claim 24, Alexander teaches a personal data input means for inputting, as personal data, information about a media program/programs watched by each of said individual persons, from corresponding one of said information supply terminals (col. 29, lines 14-30);

Matheny teaches: a second point-awarding means for awarding a predetermined point/points to said individual person correspondingly to contents of said inputted



personal data ([5, 50-63]).

As for claims 25 and 33, Alexander, Kamada, Matheny, and Ellis disclose the claimed limitations. In particular, Alexander teaches said system has a configuration so that said individual interest information is generated on the basis of said individual audience result information by searching a media program category storage means in which a category of each media program is stored in association with said media program (Referring to fig. 7, the user can search the epg by categories. Referring to col. 29, lines 30-55, the viewer profile is developed based on interactions with the epg.)

As for claim 26, Alexander, Kamada, Matheny, and Ellis disclose the claimed limitations. In particular, Alexander teaches an audience result information aggregating means for aggregating said inputted individual audience result information (col. 29, line 50-col. 30, line 45).

Claim 31 contains the limitation of claim 20 and is analyzed as previously discussed with respect to that claim. Claim 31 additionally calls for the following:

a channel selection information input device (remote controller 26 – fig. 2) for inputting channel selection information through a media program receiver by which said individual person can watch a desired media program voluntarily when said individual person selects a channel (col. 3, lines 20-55);

an information generator for generating individual audience result information on the basis of an individual identification result and said channel selection information and for automatically generating individual interest information on the basis of said individual audience result information (col. 28, lines 30-52, col. 29, lines 14-67);

Claim 32 contains the limitations of claims 20 and 31 and is analyzed as discussed with respect to those claims.

Claim 52 contains the limitations of claim 20 and is analyzed as previously discussed with respect to that claim.

Claim 42 contains the limitations of claims 21 and 31 and is analyzed as previously discussed with respect to those claims.

As for claims 47-51, Alexander, Kamada, Matheny, and Ellis disclose the claimed limitations. In particular, Alexander teaches that the category statistics (numerical value) are updated when a user watches a program for the advantage of determining the amount of liking of a user toward various categories (col. 28, lines 30-52, col. 29, lines 14-55).

Claims 53-55 contain the limitations of claims 20 and 52 and are analyzed as previously discussed with respect to those claims.

As for claim 56, Alexander teaches:

The individual interest information is used as marketing information representing a category in which each of the individual person is interested (col. 33, lines 9-15, lines 49-60, col. 29, lines 44-50); and

Generating individual interest information further comprises representing a category of programs watched by each of the individual person (col. 29, lines 44-50).

As for claim 57, Alexander teaches:

The individual interest information is used as marketing information in order to offer service beneficial to each of the individual persons (col. 33, lines 9-15).

As for claim 58, Alexander teaches wherein the categories are classified into a television program category table (col. 29, lines 44-50, col. 33, lines 48-60).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number:  
09/940,789  
Art Unit: 2623

Page 12

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PRIMARY PATENT EXAMINER